

Message Text

CONFIDENTIAL

PAGE 01 STATE 203640
ORIGIN DLOS-09

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10
FEA-01 ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01
ERDA-05 FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13
JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-07 OMB-01
PA-01 PM-05 PRS-01 SP-02 SS-15 USIA-06 /165 R

DRAFTED BY D/LOS:FSMHODSOLL:AD
APPROVED BY D/LOS:FSMHODSOLL
L:BHOXMAN
OES:JBROWN
EB:RMEYER
NEA:DMORAN
ARA:CFINAN
EUR/RPE:WSALISBURY
AF:LSHURTLEFF

-----066126 260915Z /21

R 252202Z AUG 77
FM SECSTATE WASHDC
TO ALL DIPLOMATIC POSTS

C O N F I D E N T I A L STATE 203640

E.O. 11652:GDS

TAGS: PLOS

SUBJECT: LAW OF THE SEA

REF: ISLAMABAD 8428 (NOTAL) NEW DELHI 11711 (NOTAL)

1. WE HAVE RECEIVED QUERIES FROM NEW DELHI AND ISLAMABAD
WITH REGARD TO LATEST U.S. VIEWS ON LOS. THESE VIEWS ARE
CONTAINED GENERALLY IN AMBASSADOR RICHARDSON'S PRESS RELEASE
WHICH YOU HAVE RECEIVED. WE ARE BEGINNING OUR POLICY REVIEW,
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 203640

AND ARE UNABLE NOW TO SPECULATE ON OUTCOME.

2. IN THE INTERIM, IF POSTS FEEL IT NECESSARY TO AMPLIFY ON
PRESS STATEMENT IN RESPONSE TO HOST GOVERNMENT QUERIES, FOL-
LOWING MAY BE DRAWN UPON AS APPROPRIATE.

3. WE SIMPLY CANNOT AGREE TO AN INTERNATIONAL REGIME WHICH

COULD EFFECTIVELY PRECLUDE SEABED MINING BY STATES AND THEIR NATIONALS. IF THE SEABED AUTHORITY HAS OPEN-ENDED DISCRETION TO SET CONDITIONS FOR ISSUING A MINING CONTRACT, IT CAN, BY IMPOSING UNECONOMIC REQUIREMENTS, PRECLUDE MINING BY SOME OR ALL QUALIFIED APPLICANTS. THE TRANSFER OF TECHNOLOGY PROVISIONS ALONE COULD HAVE THAT EFFECT. THERE IS A SIGNIFICANT RISK THAT LAND-BASED PRODUCERS, OSTENSIBLY FOR THE PURPOSE OF PROMOTING BENEFITS FOR DEVELOPING COUNTRIES, WILL

CONSISTENTLY ENCOURAGE THE SEABED AUTHORITY TO MAKE UNECONOMIC DEMANDS ON MINERS AS AN INDIRECT MEANS OF DISCOURAGING SEABED PRODUCTION IN FACT. THERE IS NO BASIS FOR ASSUMING THAT THE GROUP OF 77 IN THE SEABED AUTHORITY WOULD RESIST THE ANTI-DEVELOPMENT POSITIONS OF LAND-BASED PRODUCERS ANY MORE THAN IT HAS RESISTED THEM IN THE CONFERENCE.

4. FURTHER, WHILE WE ARE PREPARED TO CONSIDER A REVIEW OF THE SEABED REGIME AFTER 20 YEARS, WE DO NOT AGREE THAT IT SHOULD BE DECIDED NOW THAT SUCH A REVIEW WOULD RESULT IN A UNITARY SYSTEM OF JOINT VENTURES UNLESS IT IS EXPRESSLY AGREED THAT A PARALLEL SYSTEM SHOULD CONTINUE. FINALLY, WITH REGARD TO PRODUCTION LIMITS, WHILE WE ARE PREPARED IN RETURN FOR ACCESS FOR US MINERS TO AGREE TO SOME PROTECTION FOR EXISTING LEVELS OF LAND-BASED PRODUCTION OF MINERALS FOUND IN THE SEABEDS, WE ARE NOT PREPARED TO AGREE TO ARBITRARY

CONFIDENTIAL

PAGE 03 STATE 203640

TRARY DIVISION OF FUTURE MARKETS BETWEEN LAND-BASED AND SEABED-BASED PRODUCTION, THUS PROVIDING POSSIBLY UNECONOMIC ADVANTAGE TO POTENTIAL LAND-BASED PRODUCERS OF THE MINERALS CONCERNED.

5. FOR NON-PRODUCING COUNTRIES, WE BELIEVE THAT ARBITRARY RESTRICTION OR DISCOURAGEMENT OF PRODUCTION OF THESE PARTICULAR RAW MATERIALS FROM THE DEEP SEABEDS WILL WORK TO THE DISADVANTAGE OF MOST COUNTRIES. SUCH RESTRICTION IS DESIGNED TO PROMOTE THE INTERESTS OF A FEW PRODUCING STATES, SOME HIGHLY DEVELOPED, NOT OF GENERALLY ADDRESSING THE INTERESTS OF ALL DEVELOPING COUNTRY PRODUCERS OF ALL RAW MATERIALS. THE MAJORITY OF DEVELOPING COUNTRIES ARE NOT IMPORTERS OF THE RAW MATERIALS IN QUESTION.

6. IN ADDITION, AS YOU ARE AWARE FROM THE PRESS RELEASE, WE ARE PARTICULARLY CONCERNED THAT THE PROCESS WHICH RESULTED IN THE ICNT IS NOT REPEAT NOT THE KIND OF PROCESS WHICH CAN FAIRLY ACCOMMODATE THE INTERESTS OF ALL NATIONS. SIX WEEKS OF THE SIXTH SESSION OF THE LOS CONFERENCE WERE DEVOTED TO OPEN DEBATE ON SEABEDS ISSUES BASED ON TEXTS PRODUCED BY VICE PRESIDENT OF THE CONFERENCE EVENSEN. THE

ICNT SEABEDS PROVISIONS WERE PRODUCED IN CAMERA BY THE CHAIRMAN OF COMMITTEE I. THEY WERE NEVER THE SUBJECT OF OPEN DISCUSSION AND CHANGED FUNDAMENTALLY THE PROVISIONS WHICH HAD PREVIOUSLY BEEN DISCUSSED. IF THIS IS THE KIND OF PROCESS THAT WE CAN EXPECT IN FUTURE LOS CONFERENCE SESSIONS, SIGNIFICANT QUESTIONS ARE OF NECESSITY RAISED AS TO WHETHER THE CONFERENCE WILL BE ABLE TO PRODUCE A SATISFACTORY RESULT.

7. FOR THESE REASONS, THEN, WE ARE REVIEWING OUR ENTIRE POSTURE TOWARDS THE LOS CONFERENCE. AT THE SAME TIME, WE REMAIN OPEN TO PROCEDURAL AND SUBSTANTIVE SUGGESTIONS FROM OTHER COUNTRIES WHICH MIGHT LEAD TO A REASONABLE ACCOMMODATION OF THE INTERESTS INVOLVED.
CONFIDENTIAL

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PAGE 04 STATE 203640

CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, SEABED, MINING INDUSTRY
Control Number: n/a
Copy: SINGLE
Sent Date: 25-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: FSMHODSOLL:AD
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
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From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770822/aaaaasbs.tel
Line Count: 138
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Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b58ee852-c288-dd11-92da-001cc4696bcc
Office: ORIGIN DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 ISLAMABAD 8428, 77 NEW DELHI 11711
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 28-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1482085
Secure: OPEN
Status: NATIVE
Subject: LAW OF THE SEA
TAGS: PLOS, EMIN, US
To: ALL POSTS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/b58ee852-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009